

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:17-CV-429-DCK**

**AXXON INTERNATIONAL, LLC,**

**Plaintiff,**

**v.**

**GC EQUIPMENT, LLC, and  
GLOBECORE GmbH,**

**Defendants.**

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**ORDER**

**THIS MATTER IS BEFORE THE COURT** on “Plaintiff’s Motion For Entry Of Clerk’s Default Against Defendant Globecore GMBH” (Document No. 48) filed October 2, 2018. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

By the instant motion, Plaintiff contends that the Court should enter a Default against Defendant Globecore GmbH. (Document No. 48). Plaintiff notes that Defendant Globecore GmbH was served with the Summons and Amended Complaint on August 27, 2018. Id. (citing Document No. 44). As such, Plaintiff concludes that Defendant Globecore GmbH was required to file a response by September 17, 2018.

The undersigned notes that since the filing of the pending motion, counsel for Defendant Globecore GmbH has filed “Defendant Globecore GmbH’s Answer And Motion To Dismiss For Lack Of Personal Jurisdiction” (Document No. 53) on October 10, 2018, and “Notices of Appearance” on October 9, 2018. See (Document Nos. 49, 50, 51, and 52). Under the circumstances of this case, and particularly noting that Globecore GmbH “is a foreign corporation

organized and existing under the laws of Germany, with its principal place of business in Oldenburg Eversten, Germany,” the undersigned will accept “Defendant Globecore GmbH’s Answer...” (Document No. 53) as timely filed. (Document No. 28, p. 2; Document No. 53, p. 2). As such, the undersigned will deny “Plaintiff’s Motion For Entry Of Clerk’s Default Against Defendant Globecore GMBH” (Document No. 48).

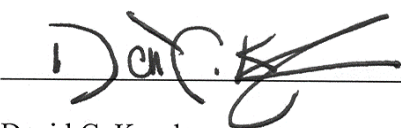
In addition, the undersigned notes that the Court previously ordered “that the parties shall, jointly if possible, file proposed revisions to the case deadlines in the “Pretrial Order And Case Management Plan” (Document No. 26) **within thirty (30)** days of Defendant Globecore GmbH being served a copy of the Amended Complaint, but no later than **January 18, 2018.**” (Document No. 43, pp. 1-2). It appears to be undisputed that Defendant Globecore GmbH was served with a copy of the Amended Complaint on August 27, 2018; therefore, the parties were expected to file proposed revisions to the “Pretrial Order And Case Management Plan” by September 27, 2018. Based on the record of this case, the undersigned will *sua sponte* extend the deadline for proposed revisions of the case deadlines.

**IT IS, THEREFORE, ORDERED** that “Plaintiff’s Motion For Entry Of Clerk’s Default Against Defendant Globecore GMBH” (Document No. 48) is **DENIED**.

**IT IS FURTHER ORDERED** that the parties shall file, jointly if possible, proposed revisions to the case deadlines in the “Pretrial Order And Case Management Plan” (Document No. 26) on or before **October 26, 2018**.

**SO ORDERED.**

Signed: October 12, 2018

  
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David C. Keesler  
United States Magistrate Judge

